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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2172

11

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/844,916

Applicant(s)

DIEBERGER, ANDREAS

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

1. This office action is in response to the appeal brief filed on June 23, 2004, in which claims 1-22 are presenting for further examination.

#### ***Response to Amendment***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1 and 9 recites the feature "a sound source reproducing said specific sound pattern" and claim 16 recites the use of "producing said selected sound pattern through a sound source". It is unclear to one having ordinary skill in the art to know exactly what reproduction sound pattern of a sound source or produce a selected sound pattern through a sound source the applicant is relied upon. In specification page 7, lines 5-10 stated that if an input entry is found to be recognized from a predetermined data stored in the database, a sound pattern is selected, wherein said sound pattern is provided to the user to alert of the correlation; and the recognized

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information can be suggested to the user for possible input. The specification does not provide the use of reproducing a sound source of a specific sound pattern or produce a selected sound pattern through a sound source. Claim 1 recites the use of input events. Applicant in the appeal brief supported this teaching is found in specification page 7, lines 1-15. However, there is no input event mentioned in specific portion cited by the applicant. Applicant is advised to amend the specification or cancel the above-mentioned limitation from the claim. Applicant is reminded that no new matter should be added.

*Claim Rejections - 35 U.S.C. 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 5-9 and 13-22 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa US Patent no.5,812,863.

As to claim 1, Ishikawa discloses the claimed □computer memory storing a plurality of data input□(col.5, line 15-col.6, line 64); □program memory retaining a plurality of pre-stored data inputs□ as a dictionary for correcting spelling 13 is for storing information on words for correcting misspelling (col.1, lines 26-28; col.5, line 15-col.6, line 64); □processing element correlating said data inputs to one or more of said pre-stored data inputs, said correlation representing an event□ providing with a CPU checks whether or not each word in the inputted sentence is correctly spelled (col.1, lines 30-39; col.5, line 15-col.6, line 64) comprising one or more of: □a determination of a match between at least partial data inputs to complete pre-stored entries, determination of errors based on an evaluation of formatting of said data inputs to rules based logic□ as matching of the spelling of each words in the inputted sentence against the corrected spelling in the dictionary for correcting spelling (col.1, lines 40-65; col.5, line 15-col.6, line 64). Ishikawa does not explicitly disclose the use wherein □upon recognition of a correlation, said processing element selecting a specific sound pattern representative of said event□; and □a sound source reproducing said specific sound pattern□.

However, Ishikawa discloses the use of wherein the dictionary for detecting misspelling being generated in consideration of at least one of those causes of misspelling which are the difficulty in recognizing and distinguishing a specific sound from another sound due to the difference between the mother tongue and the language used in preparing the document (col.4, lines 5-67).

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Ishikawa states that different sounds used to pronounce the same phonogram or different phonograms (event) used to indicated the sound in the language used in the document being prepared (col.4, lines 5-67). Such a implication would provide the use of selecting a specific sound pattern for the event and reproducing the specific sound.

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa's fig.4) would incorporate the use wherein upon recognition of a correlation, said processing element selecting a specific sound pattern representative of said event; and a sound source reproducing said specific sound pattern, in the same conventional manner as disclosed by Ishikawa (col.4, lines 5-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

As to claim 5, Ishikawa discloses the claimed □ wherein said prestored entries comprises programming language codes□ (col.15, lines 8-67; col.12, lines 45-67; col.9, lines 18-40).

As to claim 6, Ishikawa discloses the claimed □ wherein said prestored data entries comprise any of, or a combination of, the following personal information, addresses, phone numbers, and social security numbers□(col.1, lines 26-28; col.5, line 15-col.6, line 64).

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As to claim 7, Ishikawa discloses the claimed □wherein said formatting comprises any of: URL, e-mail addresses or entries to a standard template or electronic form□ (col.11, lines 5-25).

As to claim 8, Ishikawa discloses the claimed □an optional corrective action suggestion to complete partial data inputs or correct data inputs with detected errors□(col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claims 9, 13-15:

Claims 9, 13-15 have been noted in the rejection of claims 1-8 above. They are, therefore, rejected under the same rationale. In addition, Ishikawa discloses the claimed □alternative data that can be optionally selected by a user for substitution of said data input based upon said correlation (col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claim 16, Ishikawa discloses the claimed □receiving word processing inputs□(col.5, line 15-col.6, line 64); □storing in computer memory said processing inputs from a library of pre-stored word processing inputs□(col.1, lines 26-28; col.5, line 15-col.6, line 64); □retrieving selected related word processing inputs from a library of pre-stored word processing inputs□(col.1, lines 30-39; col.5, line 15-col.6, line 64); and □comparing said received word processing inputs with said selected word processing inputs to determine an event comprising one or more of: match between at least received partial inputs to complete pre-stored word

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processing inputs, errors based on an evaluation of formatting of said received inputs, or errors based on an evaluation of multiple received inputs to rules based logic”as matching of the spelling of each words in the inputted sentence against the corrected spelling in the dictionary for correcting spelling (col.1, lines 40-65; col.5, line 15-col.6, line 64). Ishikawa does not explicitly disclose the use of □selecting a specific sound pattern representative of said event□; and □producing said selected sound pattern through a sound source□. However, Ishikawa discloses the use of wherein the dictionary for detecting misspelling being generated in consideration of at least one of those causes of misspelling which are the difficulty in recognizing and distinguishing a specific sound from another sound due to the difference between the mother tongue and the language used in preparing the document (col.4, lines 5-67). Ishikawa states that different sounds used to pronounce the same phonogram or different phonograms (event) used to indicated the sound in the language used in the document being prepared (col.4, lines 5-67). Such a implication would provide the use of selecting a specific sound pattern for the event and reproducing the specific sound.

Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa’s fig.4) would incorporate the use of selecting a specific sound pattern representative of said event; and producing said selected sound pattern through a sound source, in the same conventional manner as disclosed by Ishikawa (col.4, lines 5-67). The motivation being to correct the misspelling and



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incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

As to claim 17, Ishikawa discloses the claimed □ suggesting possible word processing inputs to complete or correct said received word processing inputs □ (col.1, lines 26-28; col.5, line 15-col.6, line 64).

As to claim 18, Ishikawa discloses the claimed □ wherein said match between partial inputs to complete received word processing inputs is determined by recognizing personal information □ (col.1, lines 30-39; col.5, line 15-col.6, line 64).

As to claim 19, Ishikawa discloses the claimed □ determining if specific word processing events comprise e-mail addresses, URLs, or entries for a template or a standard form □ (col.11, lines 5-25).

As to claim 20, Ishikawa discloses the claimed □ wherein said sound pattern is modified to indicate the severity of a detected word processing event □ (col.1, lines 26-28; col.5, line 15-col.6, line 64).

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As to claims 21-22, the limitations of claims 21-22 have been noted in the rejection of claims 16-20 above. They are, therefore, rejected under the same rationale.

7. Claims 2-4 and 10-12 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishikawa US Patent no.5,812,863 in view of Hon et al. (Hereinafter "Hon") US Patent no. 6,490,563.

As to claims 2-4 and 10-12, Ishikawa discloses substantially the invention as claimed. However, Ishikawa does not explicitly disclose the use "wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules" and "wherein said rules based logic comprises punctuation rules".

On the other hand, Hon discloses the claimed "wherein one or more parts of said system are located locally or connected by networks comprising any of: LANs, WAN" (col.5, lines 5-26); "wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules" (col.5, lines 40-67) and "wherein said rules based logic comprises punctuation rules" (col.5, lines 55-67).

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Therefore, it would have been obvious to one of ordinary skill in the art of data processing, at the time the present invention was made to modify the teachings of Ishikawa, wherein the content of the spelling correcting dictionary, provided therein (See Ishikawa's fig.4) would incorporate the use of wherein said rules based logic comprises one or more of: language formatting, syntactical and grammatical rules and wherein said rules based logic comprises punctuation rules, in the same conventional manner as disclosed by Hon (col.5, lines 40-67). The motivation being to correct the misspelling and incorrect usage of word whereby the misspelling and improper usage of a word would be found and corrected properly.

***Remark***

(A). Applicants asserted that the Ishikawa does not provide nor suggest the use of the ***reproduction of an audible sound or pattern to alert a user during the use of a program.***

Ishikawa also does not provide or suggest the use of any audible sound device. The examiner disagrees with the precedent assertion. The examiner kindly submits that the Applicants misread the applied reference. However, when read and analyzed in the light of the specification, the invention as claimed does not support applicants' assertion. Actually, applicants interpreted the claims very narrow without considering the broad teachings of the reference used in the rejection. Applicants are reminded that 37 CFR 1.111(b) states, "A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. The assertions that the applicants are relied upon are not stated any independent claims 19, 16 and 21. There are no mentioned of ***audible sound or pattern to alert a user***

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*during the use of a program* and *audible sound device* in the claims. Applicant's assertions are just mere allegation with no supported fact. Therefore, the appellants have failed to specifically point out how the language of the claims patentably distinguished them from the cited references. Furthermore, for this assertion to have merit, it is important to Appellants provide some forms of evidence that convincingly show that the *audible sound* disclosed in the Examiner's reference does not equivalent to the claims language. Furthermore, the Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the Examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. Applicant's assertions are just mere allegation with no supported fact.

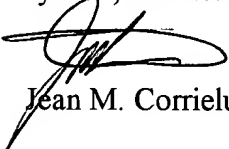
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Monday - Friday (12:00pm - 7:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jean M. Corrielus

Patent Examiner

July 16, 2004